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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,440	06/22/2000	Masato Shimada	Q59177	7701

7590 05/05/2005

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EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,440

Applicant(s)

SHIMADA ET AL.

Examiner

A. Dexter Tugbang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/27/04.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 and 17-57 is/are pending in the application.
- 4a) Of the above claim(s) 24-47 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12, 17-23 and 48-57 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/756,254.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant(s) amendment filed on 10/27/04 has been fully considered and made of record.

Claim Objections

2. Claims 19, 20, 21, 52, 53, 54, 55, 56 and 57 are objected to because of the following informalities.

Some of the phrases in each of the claims below are awkwardly worded. The following changes are suggested for grammatical changes and do not affect the scope of the claimed invention.

In Claim 19, the term --greater-- should be inserted after “area” (line 12).

In Claim 20, the term --greater-- should be inserted after “area” (line 13).

In Claim 21, the term --greater-- should be inserted after “area” (line 13); and the phrase of “thin-film” (both occurrences on line 17) should be replaced with --thin film--.

In Claim 52, a comma --,-- should be inserted after “unit area” (line 9); “making step” (line 12) should be deleted, the phrase of --step of forming the-- should be inserted before “recess” (line 12); “the thickness” (line 14) should be replaced with --a thickness--; and --that-- should be inserted after “area” (line 16).

In Claim 53, a comma --,-- should be inserted after “unit area” (line 9); “making step” (line 12) should be deleted, the phrase of --step of forming the-- should be inserted before “recess” (line 12); and “the thickness” (line 13) should be replaced with --a thickness--.

Art Unit: 3729

In Claim 54, --peripheral-- should be inserted before “area” (line 12); “the thickness” (line 14) should be replaced with --a thickness--; and --that-- should be inserted after “area” (line 16).

In Claim 55, --peripheral-- should be inserted before “area” (line 12); and “the thickness” (line 14) should be replaced with --a thickness--.

In Claim 56, “a recess” (line 8) should be replaced with --the recess--; and --greater-- should be inserted after “area” (line 12).

In Claim 57, “a recess” (line 8) should be replaced with --the recess--; and --greater-- should be inserted after “area” (line 12).

Appropriate correction is required.

Allowable Subject Matter

3. Claims 9-12, 17-23 and 48-57 are allowed.

Conclusion

4. This application is in condition for allowance except for the following formal matters.

The suggested changes above to correct mere informalities with the language of the claims.

Pending Claims 24-47 are drawn to an invention nonelected with traverse in response filed on 11/21/03. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Art Unit: 3729

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

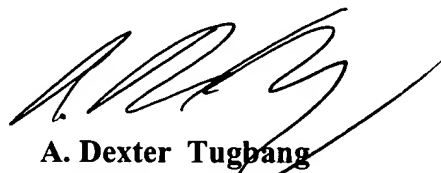
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570.

The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Dexter Tugbang
Primary Examiner
Art Unit 3729

May 2, 2005